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99TH CONGRESS
2d Session

SENATE

REPORT
99-359

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MODIFYING THE BOUNDARY OF THE HUMBOLDT NATIONAL FOREST IN THE STATE OF NEVADA, AND FOR OTHER PURPOSES

AUGUST 1 (legislative day, JULY 28), 1986.—Ordered to be printed

Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

REPORT

ORIGINAL

[To accompany H.R. 850]

The Committee on Energy and Natural Resources, to which was referred the act (H.R. 850) to modify the boundary of the Humboldt National Forest in the State of Nevada, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the act do pass.

PURPOSE OF THE MEASURE

H.R. 850, as reported, would modify the boundary of the Humboldt National Forest to add certain lands now managed by the Bureau of Land Management.

BACKGROUND AND NEED

The public lands which are the subject of this measure are located in Elko and White Pine Counties, Nevada, and lie mostly in the Ruby Valley. They are isolated from other Bureau of Land Management-administered lands in the area and are adjacent to the National Forest boundary. The principal use of the lands is for livestock grazing.

H.R. 850 extends the boundary of the Humboldt National Forest to encompass about 14,743 acres of public lands administered by the Bureau of Land Management and transfer these Federal lands to the administration of the Forest Service. The transfer would not affect the validity of or terms and conditions of any existing right-of-way, easement, lease, license, or permit on the lands to be trans-

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ferred. Such authorizations would be administered by the Forest Service under their original terms until expiration. Reissuance would be subject to Forest Service regulations. The change of agency jurisdiction would not be grounds for denial of renewal or reissuance. The act also provides that the boundary of the National Forest, as modified by H.R. 850, would be considered as the boundary as of January 1, 1965, in order that the provisions of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), regarding purchase of land within the National Forest boundary, would apply.

LEGISLATIVE HISTORY

H.R. 850 was introduced by Representative Vucanovich on January 30, 1985. The House of Representatives passed the measure on December 9, 1985. On March 4, 1986, the Subcommittee on Public Lands, Reserved Water and Resource Conservation held a hearing on H.R. 850.

At a business meeting on July 16, 1986, the Senate Committee on Energy and Natural Resources ordered H.R. 850 favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on July 16, 1986, by unanimous vote of a quorum present recommends that the Senate pass H.R. 850.

The rollcall vote on reporting the measure was 17 yeas, 0 nays as follows:

YEAS

Mr. McClure
Mr. Hatfield*
Mr. Weicker
Mr. Domenici
Mr. Wallop
Mr. Warner
Mr. Murkowski*
Mr. Nickles
Mr. Hecht
Mr. Evans*
Mr. Johnston
Mr. Bumpers
Mr. Ford
Mr. Metzenbaum*
Mr. Bradley*
Mr. Bingaman*
Mr. Rockefeller*

NAYS

*Indicates vote by proxy.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 22, 1986.

Hon. JAMES A. McCLURE,
*Chairman, Committee on Energy and Natural Resources, U.S.
Senate, Dirksen Senate Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 850, an act to modify the boundary of the Humboldt National Forest in the State of Nevada, and for other purposes, as ordered reported by the Senate Committee on Energy and Natural Resources, July 1986.

H.R. 850 would transfer to the Forest Service administrative jurisdiction over approximately 14,743 acres of public lands now managed by the Bureau of Land Management, by extending the boundaries of the Humboldt National Forest to include the additional acres. Based on information from the Forest Service and the Bureau of Land Management, CBO expects that enactment of this legislation would result in no significant costs or savings to the federal government, and would not affect the budgets of state or local governments.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,
Sincerely,

RUDOLPH G. PENNER, *Director.*

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 850. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 850, as reported.

EXECUTIVE COMMUNICATIONS

The pertinent legislative reports received by the Committee from the Department of the Interior and the Department of Agriculture setting forth executive agency recommendations relating to H.R. 850 are set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, July 24, 1986.

Hon. JAMES A. McCLURE,
*Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: This responds to your request for our views on H.R. 850, a bill "To modify the boundary of the Humboldt National Forest in the State of Nevada, and for other purposes."

We recommend action on H.R. 850 be deferred until consideration of the Administration's interchange proposal.

H.R. 850 would transfer from the Bureau of Land Management to the Forest Service administrative jurisdiction over approximately 14,743 acres of BLM-administered land in Elko and White Pine Counties, Nevada. The boundary of the Humboldt National Forest would be modified to include these lands.

Section 3 of the bill would provide that nothing in H.R. 850 would affect the validity of or the terms and conditions to any existing right-of-way, easement, lease, license, or permit on the transferred lands, except that they would be administered by the Forest Service. Reissuance of any authorization would be in accordance with Forest Service regulations, and the change of administrative jurisdiction over the lands could not constitute a ground for the denial of renewal or reissuance of any such authorization.

Section 4 would provide that the boundary of the Humboldt National Forest, as modified, would be treated as if it were the boundary of the Forest as of January 1, 1965, for purposes of section 7 of the Land and Water Conservation Fund Act of 1965, which concerns the allocation of Fund monies for Federal purposes.

While we have no objection to this proposed transfer, we suggest that consideration of the bill be held in abeyance pending the consideration by the Congress of the Administration's proposed interchange legislation, "The Federal Lands and Administration Act of 1986," which was transmitted to Congress on February 18, and introduced as S. 2289 on April 11. That bill would provide for a transfer of jurisdiction of Federal lands between the Bureau of Land Management and the Forest Service in order to enhance public service, improve efficiency of management of natural resources, and reduce the costs of managing Federal lands. Under the interchange proposal, the lands involved in H.R. 850 would be transferred to the Forest Service and become part of the Humboldt National Forest. Although H.R. 850 and the interchange proposal would have the same effect on the lands involved in H.R. 850, the interchange proposal would address the matter on a nation-wide basis. We look forward to working with the Congress on the interchange proposal.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

J. STEVEN GRILES,
Assistant Secretary.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, February 13, 1986.

Hon. JAMES A. McCURE,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you requested, here is our report on H.R. 850, a bill "To modify the boundary of the Humboldt National Forest in the State of Nevada, and for other purposes."

The Department of Agriculture (USDA) recommends that no action be taken on H.R. 850 at this time. The Forest Service and the Bureau of Land Management, U.S. Department of the Interior (USDI) are developing a proposal to interchange about 22-25 million acres of land under their respective jurisdictions. The proposal would require legislation to implement. We expect to submit such legislation to Congress later this year.

H.R. 850 would extend the boundary of the Humboldt National Forest to encompass about 14,743 acres of public lands administered by the Bureau of Land Management, USDI, and transfer these Federal lands to the administration of the Forest Service, USDA. The transfer would not affect the validity of or terms and conditions of any existing right-of-way, easement, lease, license, or permit on the lands to be transferred. Such rights would be administered by the Forest Service under their original terms until expiration. Reissuance of the authorization would be subject to Forest Service regulations. The change of agency jurisdiction would not be grounds for denial of renewal or reissuance. The bill also provides that the boundary of the National Forest, as modified by the bill, would be considered as the boundary as of January 1, 1965, in order that the provisions of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), regarding purchase of land within the National Forest boundary, would apply.

The public lands which are the subject of this bill are located in Elko and White Pine Counties, Nevada, and lie mostly in the Ruby Valley. They are isolated from other Bureau of Land Management-administered lands in the area and are adjacent to the National Forest boundary. The principal use of the lands is for livestock grazing.

The Interchange proposal being developed by the Forest Service and the Bureau of Land Management has been the subject of considerable public discussion. The two agencies completed 30 public hearings on the proposal throughout the Nation, including three in Nevada, and concurrently conducted a public comment period.

Our original proposal, announced in January 1985, would have transferred the two National Forests in the State to the jurisdiction of the Bureau of Land Management. The comments received at the Nevada public hearings and during the comment period did not support that action. Subsequently, we have worked with interested organizations in the State, under the guidance of the Nevada congressional delegation, to reach a compromise. While full concurrence by all parties has not been reached, we expect to have that concurrence before the Interchange proposal is submitted to Congress. The proposal under discussion would retain the National

Forests in the Forest Service and interchange lands on a more local and smaller scale throughout the State. The goals of the Interchange proposal are to enhance public service, to improve administrative efficiency, and thereby reduce the costs of managing these Federal lands.

While the purpose of H.R. 850 is similar to those of our Interchange proposal, we believe that it is more appropriate to examine such opportunities on a national basis. There are many places where the two agencies share boundaries or have intermingled jurisdiction. Considering all such opportunities at one time, rather than for individual National Forests, can, we believe, maximize the benefits to be achieved through an interchange of National Forest System and public lands. By withholding action on H.R. 850 while the Interchange proposal is being readied for submission to Congress, the Committee would be able to evaluate more fully the range of opportunities for Federal lands in Nevada.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

JOHN R. BLOCK, *Secretary.*

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the act, H.R. 850, as reported.

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